

In the United States Court of Federal Claims

No. 15-524C

(Filed: October 13, 2015)

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*
VICTORY PROCUREMENT SERVICES, LLC, *
*
Plaintiff, *
*
v. *
*
THE UNITED STATES, *
*
Defendant, *
*
and *
*
CULMEN INTERNATIONAL, LLC, *
*
Defendant-Intervenor. *
***** *

DISMISSAL ORDER

On October 5, 2015, Defendant filed a Status Report in response to the Court's September 3, 2015 Remand Order. As Defendant requested, the Court conducted a hearing by telephone on October 8, 2015. In the Court's view, the Government's plan to solicit a new round of proposals as described in Option 1 of the Remand Order constitutes a form of corrective action. Accordingly, the Court deems it appropriate to dismiss this protest without prejudice.

In the event the procuring agency's completed corrective action results in a need to seek relief again in this Court, Plaintiff may file a new complaint together with a Notice of a Directly Related Case pursuant to Rule 40.2(a) of this Court, and the case will be assigned to this Judge. A waiver of the filing fee is likely.

This case is hereby DISMISSED without prejudice.

IT IS SO ORDERED.

s/ Thomas C. Wheeler
THOMAS C. WHEELER
Judge